

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

FROM: Arthur Jackson, Case Manager
Joel Lawson, Associate Director Development Review

DATE: May 8, 2012

SUBJECT: **BZA Case 18354** - request for a special exception approval in accordance with § 205 to establish a child development center for a maximum 12 children with 5 employees in a flat dwelling located at 2909 North Capitol Street NE

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **recommends approval** of the requested special exception child development center for a maximum 12 children with 5 employees on the above-referenced property, subject to the following conditions:

1. Approval shall be for FIVE YEARS from the final date of this order.
2. Enrollment shall not exceed 12 children, age 15 years or less.
3. The center shall have a maximum of FIVE staff.
4. The days and hours of operation are Monday through Friday from 7 A.M. to 6 P.M.:
 - a. Drop-off hours are between 7 AM to 9 AM; and
 - b. Pick-up hours are 3 PM to 6 PM.
5. One parking space shall be reserved on-site for use by center staff.
6. Center trash collection will be scheduled at least once a week.

II. LOCATION AND SITE DESCRIPTION:

Address:	2909 North Capitol Street NE
Legal Description:	Square 3500 Lot 0037
Ward:	5C
Lot Characteristics:	A rectangular interior lot with an area of 1,488 square feet (0.03 acre). The western boundary abuts North Capitol Street and a public alley 15 feet wide runs along the eastern boundary. This alley extends between Michigan Avenue and Girard Street NE (refer to Exhibit 1). The site is currently developed with a flat.
Zoning:	R-3 – flat uses are not allowed in this zone district as matter of right uses or by special exception, but child development center uses are allowed by special exception per § 205.



Existing Development:	The two-story flat dwelling has one unit on the first and second floors, and the other in the finished basement (refer to Figure 1). The parking pad in the rear yard abuts the public alley. This pad is currently occupied by outdoor seating and children's play equipment. Rear yard is surrounded by a gated wooden picket fence approximately 6-feet tall.
Historic District:	None
Adjacent Properties:	Two-story row dwellings cover the subject square; to the west across North Capitol Street is McMillan Sand Filtration Field.
Surrounding Neighborhood Character:	Moderate density residential and Federal and institutional uses across North Capitol Street.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Fausta Lamboglia, the owner of record.
Proposal:	<p>To establish a child development center for up to 12 children with 5 employees on the subject property.</p> <p>According to the Pre-Hearing Statement of the applicant dated May 8, 2012 and Home Occupation Permit No. HQ1000443 submitted with the application, the property was licensed for a child care home for 6 children up to 15 years of age in 2010. This accessory use operates on the first floor of the upstairs dwelling. The proposed child care center would operate on the first floor, the basement (once the current occupant vacates) and in the rear yard. The operator of the child care home and the new center (Maria Naranjo) would continue to reside upstairs.</p> <p>Increasing the number of children to 12 would expand the number of children served to more than the regulations allow in a child care home. The age range would remain the same and a minimum approval term of 10 years was requested.</p>
Relief Sought:	§ 205 – special exception approval to expand the existing child development home into a child development center use.

III. OP ANALYSIS

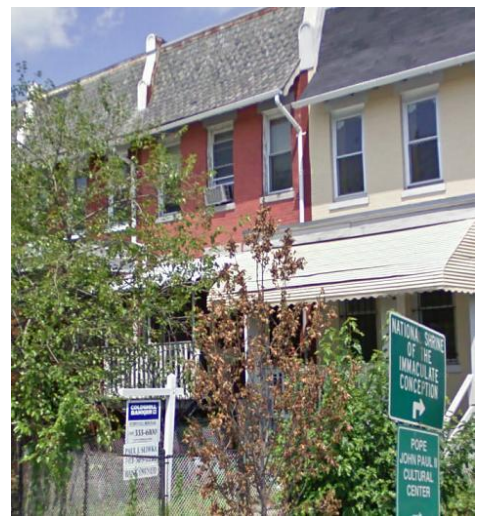
Compliance with § 205

205.2 *The center shall be capable of meeting all applicable code and licensing requirements.*

The Division of Early Childhood Education, Office of the State Superintendent of Education (OSSE) recommended approval of this application in a memorandum dated February 14, 2012. OSSE noted that the facility's licensure capacity would be calculated based on the issued Certificate of Occupancy and the requirements of Title 29 of the DC Municipal Regulations.

205.3 *The center shall be located and designed to create no objectionable traffic conditions and no unsafe conditions for picking up and dropping off*

Figure 1



children or elderly persons.

The site of the child care home and proposed child care center is conveniently located near six Washington Metropolitan Transit Authority (WMATA) bus routes that travel along North Capitol Street and Michigan Avenue NE. The application indicated these routes are used by parents and guardians with children, and center employees. The operator indicated that most children currently attending the child care home are walked to the site.

Parents and guardians who drive to the site park along North Capitol Street and walk their children into the front entrance. Traffic on this side of the street is northbound, traveling in the opposite direction of morning rush hour traffic. Parking restrictions on North Capitol Street do not begin until 3 P.M., which coincides with evening rush hour traffic that travels north. During these hours, the parents and guardians park along Girard Street, then walk to site to pick up their children. Traffic on Girard Street is one-way traveling to the east.

The operator anticipated that the additional children would come from the neighborhood and employees working at the nearby Washington Hospital Center. The same pick-up and drop-off procedures would be utilized for the proposed center use.

The District Department of Transportation (DDOT) expressed no concerns about continuing to use these procedures to transition children to and from the center (reference § 205.9 below).

- 205.4 *The center shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors.*

The center would employ 5 staff persons, including the director. Section 2101.1 requires one space for each 4 child development center employees, so the center is required to provide one on-site parking space. The submitted plat shows a single parking space in the rear parking pad. The remaining space would continue to be used as outdoor play area.

In its report, the DDOT expressed support for eliminating the parking space, if requested by the applicant (reference § 205.9 below).

- 205.5 *The center, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impact on nearby properties due to noise or activity, or other objectionable conditions.*

Since the proposed child care expansion would be internal to the existing dwelling, there should be minimal impact on the neighboring properties. The operator was not aware of any noise complaints stemming from outdoor activities of the current child development home.

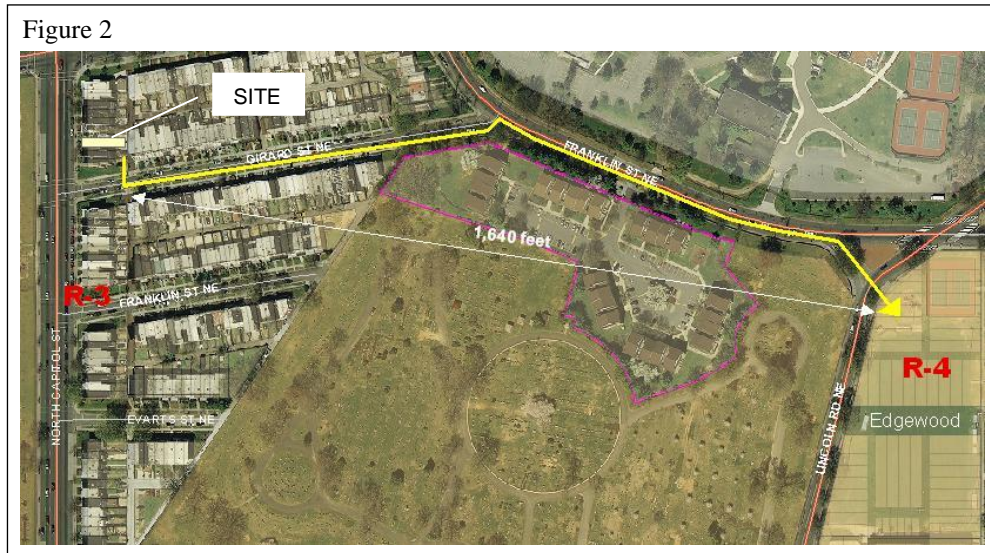
- 205.6 *The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it shall deem necessary to protect adjacent and nearby properties.*

No special treatments are proposed.

- 205.7 *Any off-site play area shall be located so as not to result in the endangerment to the individuals in attendance at the center in traveling between the play area and the center itself.*

The required on-site parking space would reduce the parking pad area currently available for child play. The operator indicated to OP that center children would be escorted by staff to the Edgewood Playground for daily recreation. The playground is located approximately 1,600 feet from the subject property and accessible by sidewalks along Girard Street, Franklin Street and Lincoln Road NE (refer to Figure 2 below).

There is no indication that traveling between the center and the playground raises any safety issues. The DDOT did not express any concern about this proposal.



- 205.8 *The Board may approve more than one (1) child/elderly development center in a square or within one thousand feet (1,000 feet) of another child/elderly development center only when the Board finds that the cumulative effort of these facilities will not have adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.*

The application indicated that two other child development centers at 27 Girard Street NE and 1 Michigan Avenue NW are within 1,000 feet of the subject property.

There is no indication that the combined drop-off and pick-up activity associated with these centers, and the existing child care home, has resulted in objectionable traffic conditions on area streets. The first location across Girard Street is mid-block, on a different square and further east on a one-way street with traffic that travels in an easterly direction. The other site is on the opposite side of North Capitol Street and Michigan Avenue.

Given the modest proposed increase of 7 children and a maximum 7 vehicle trips to and from the site during in the morning and evening rush hours, OP does not anticipate this request significantly impacting area traffic congestion or the amount of available on-street parking.

- 205.9 *Before taking final action on an application for use as a child/elderly development center, the Board shall submit the application to the Department of Transportation and Human Services, the D.C. Office on Aging and the D.C. Office of Planning for review and written reports.*

OSSE comments were summarized in above. DDOT reviewed the application and determined there would be no adverse impact on the transportation system.

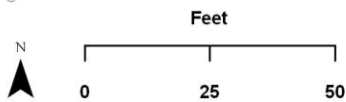
- 205.10 *Referral to the D.C. Department of Human Services shall request advice as to whether the proposed center can meet all the licenses requirements set forth in the applicable laws of the District of Columbia.*

As noted in § 205.2 above, OSSE filed a report in support of this application.

Based on this review the application conditionally meets the standards for BZA approval. Since this is the first child care center at this location, OP recommends a 5 years approval term instead of the requested 10 years. A copy of all the suggested approval conditions was provided to the applicant.

IV. COMMUNITY COMMENTS

The Statement included letters of support from the owners of the neighboring properties at 2907 and 2911 North Capitol Street. According to the applicant, Advisory Neighborhood Commission (ANC) 5C voted to support this request on May 8, 2012.



BZA Application No. 18354



Government of the District of Columbia
Office of Planning ~ April 11, 2012

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-  Street Centerlines
-  Zoning Districts
-  Tax Lots
-  Record Lots
-  Parcels